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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12  
13 **KELLI ANN WOOD**  
1819 West Houston Street  
14 Fullerton, CA 92833  
15 Pharmacy Technician Registration  
No. TCH 112134  
16 Respondent.

Case No. 4261

**ACCUSATION**

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about April 5, 2011, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 112134 to Kelli Ann Wood (Respondent). The Pharmacy Technician  
24 Registration will expire on January 31, 2013, unless renewed.

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1 JURISDICTION

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300(a) of the Code states that "[e]very license issued may be suspended or  
6 revoked."

7 5. Section 118, subdivision (b), of the e Code provides that the suspension, expiration,  
8 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
9 disciplinary action during the period within which the license may be renewed, restored, reissued  
10 or reinstated.

11 STATUTORY AND REGULATORY PROVISIONS

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate  
14 the rehabilitation of a person when:

15 . . . .

16 (a) Considering the denial of a license by the board under Section 480; or

17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

20 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
21 revoke a license on the ground that the licensee has been convicted of a crime substantially  
22 related to the qualifications, functions, or duties of the business or profession for which the  
23 license was issued.

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8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

.....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

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(p) Actions or conduct that would have warranted denial of a license.

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1 10. Title 16, California Code of Regulations, section 1769, states:

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3 (b) When considering the suspension or revocation of a facility or a personal  
4 license on the ground that the licensee or the registrant has been convicted of a crime,  
5 the board, in evaluating the rehabilitation of such person and his present eligibility for  
6 a license will consider the following criteria:

7 (1) Nature and severity of the act(s) or offense(s).

8 (2) Total criminal record.

9 (3) The time that has elapsed since commission of the act(s) or offense(s).

10 (4) Whether the licensee has complied with all terms of parole, probation,  
11 restitution or any other sanctions lawfully imposed against the licensee.

12 (5) Evidence, if any, of rehabilitation submitted by the licensee.

13 11. Title 16, California Code of Regulations, section 1770, states:

14 For the purpose of denial, suspension, or revocation of a personal or facility  
15 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
16 Professions Code, a crime or act shall be considered substantially related to the  
17 qualifications, functions or duties of a licensee or registrant if to a substantial degree  
18 it evidences present or potential unfitness of a licensee or registrant to perform the  
19 functions authorized by his license or registration in a manner consistent with the  
20 public health, safety, or welfare.

21 **COST RECOVERY**

22 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case.  
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1 FIRST CAUSE FOR DISCIPLINE

2 (June 22, 2011 Criminal Conviction for Child Abuse on April 12, 2011)

3 13. Respondent is subject to disciplinary action under sections 490 and 4301,  
4 subdivisions (l) of the Code in that Respondent was convicted of a crime substantially related to  
5 the qualifications, functions and duties of a pharmacy technician. The circumstances are as  
6 follows:

7 14. On or about June 22, 2011, in a criminal proceeding entitled *People of the State of*  
8 *California vs. Kelli Ann Wood*, in the Superior Court of California, County of Orange, North  
9 Justice Center, in case number 11NF1159 F A, Respondent was convicted, on her plea of guilty,  
10 of violating Penal Code section 273a(a) (child abuse), a felony.

11 15. The circumstances that led to the conviction are that on or about April 12, 2011, Brea  
12 Police Department officers responded to Anaheim Memorial Hospital in reference to a possible  
13 child abuse incident. Upon arrival, officers learned that Fullerton P.D. had earlier conducted a  
14 welfare check of baby G.C., an 8-month old female, at the residence of her father, C.C., who was  
15 sitting with the baby in the emergency room waiting room, along with the baby's aunt, S.W.,  
16 waiting to have baby G.C. examined by emergency room doctors.

17 16. After the baby and the baby's father were called into the emergency examining room,  
18 officers made contact with S.W., the baby's aunt and Respondent's sister. S.W. told officers that  
19 she had been at the baby's father's house when Respondent dropped the baby off earlier that day.  
20 S.W. told officers that the father noticed the baby had bruising to the left eye, that he asked  
21 Respondent how the baby's bruising happened, and that Respondent replied that she did not know  
22 and stated that the baby had not been eating well and that the baby had been "depressed" lately.  
23 S.W. told officers that when the father tried to obtain more information about the baby's injury,  
24 that Respondent was unable to give a reasonable answer and that Respondent appeared nervous  
25 and scared. When S.W. asked Respondent to take the baby to the hospital, Respondent refused  
26 and became angry with her, accusing S.W. of taking the father's side, and S.W. then asked the  
27 baby's father to get the police involved and to take the baby to a hospital. Once at the hospital,  
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1 Respondent joined them and was detained by police, interviewed, and transported to the Brea  
2 Police Department station and later booked in the county jail for child abuse.

3 17. On April 13, 2011, Brea P.D. detectives went to the Orange County Inmate Receiving  
4 Center for Women to interview Respondent. Detectives, after advising Respondent of her rights,  
5 told her they were there to speak about her baby daughter's injuries and how they occurred.  
6 Respondent told detectives that she had been dating A.A.C. for approximately one month and that  
7 he had become the primary care provider for the baby while Respondent was at work and  
8 estimated that her boyfriend was with her baby for 8-9 hours per day. Detectives asked  
9 Respondent if she knew how baby G.C. had sustained her injuries, and Respondent told detectives  
10 that she did not know, that every time she questioned her boyfriend about the baby's bruising,  
11 that he would tell her that he did not know and that the baby bruised easily. Respondent told  
12 officers that she believed her boyfriend was capable of hurting the baby because of his temper,  
13 and that her boyfriend sometimes went into rages and banged his head or pounded his fist against  
14 the wall.

15 18. As a result of the conviction, the Court placed Respondent on four (4) years formal  
16 probation and ordered that Respondent serve 270 days in the Orange County Jail, with 71 actual  
17 days and 34 conduct days credit, for a total of 105 days credit for time served, and ordered that  
18 Respondent pay various fees and fines. The Court also ordered that Respondent provide a State  
19 DNA sample and fingerprints prints for the State DNA Database pursuant to Penal Code sections  
20 296 and 296.1, not use unauthorized drugs, narcotics, or controlled substances, submit to drug or  
21 narcotic testing as directed by her Probation Officer, submit person, property and residence to  
22 search and seizure, cooperate with probation officer in any plan for psychiatric, psychological and  
23 alcohol and/or drug treatment or counseling, seek training, schooling, or employment maintain  
24 residence as approved by the probation department, not associate with persons known to  
25 Respondent to be parolees, convicted felons, users or sellers of illegal drugs or otherwise  
26 disapproved by probation, and not own, use, or possess any type of dangerous or deadly weapon,  
27 including any firearm or ammunition. The Court further ordered that Respondent obey all laws,  
28 orders, rules and regulations of the Court, Jail, and Probation, to violate no law, disclose terms

1 and conditions of probation when asked by any law enforcement or probation officer, attend and  
2 complete Child Abuser's Treatment Probation, not violate terms of protective order, and comply  
3 with all terms of the protective order.

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5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct - Committed Act Which Would Have Warranted  
Denial of License)**

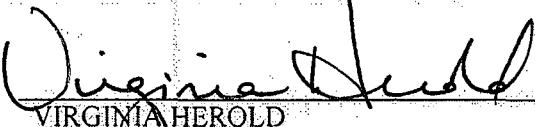
7 19. Respondent is subject to disciplinary action under section 4301(p) of the Code in that  
8 he engaged in actions or conduct that would have warranted denial of a license, as fully set forth  
9 at paragraphs 13 and 18, above, which are incorporated here by reference.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Pharmacy issue a decision:

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 112134,  
14 issued to Kelli Ann Wood;
- 15 2. Ordering Kelli Ann Wood to pay the Board of Pharmacy the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to Business and Professions Code section  
17 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 6/1/12

  
21 VIRGINIA HEROLD  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 *Complainant*

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